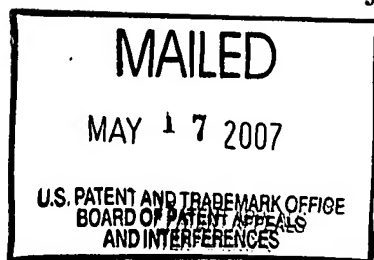


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN FALK KELLEY,
JASON THOMAS YUEN, MICHAEL P. HECK
and
MATTHEW D. GARAY

Application 10/001,744



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on March 9, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below.

An examination of the Image File Wrapper (IFW) reveals that an Information Disclosure Statement (IDS) was filed on October 31, 2006. It is not apparent from the record whether the examiner considered the statements submitted or notified appellants regarding why their submission did not meet the criteria set forth in 37 CFR §§ 1.197 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

It should be noted that the Examiner's Answer filed December 18, 2006, was in compliance with the terms of the Order Returning Undocketed Appeal to the Examiner mailed October 5, 2006.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1) for consideration of the IDS filed October 31, 2006, and written notification to appellants regarding the Primary Examiner's decision; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/psb

Robert H. Frantz
P.O. Box 23324
Oklahoma City, OK 73123-2334